

Notice of Allowability

Application No.

10/670,292

Examiner

Anatoly Vortman

Applicant(s)

MOROZ ET AL.

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed on 07/20/05.
2. The allowed claim(s) is/are 1-10, 13-15, 26-28 and 30-37.
3. The drawings filed on 26 September 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 8/29/05.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.



ANATOLY VORTMAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with
Mr. Edwin D. Garlepp, Reg. No. 45,330 on 08/29/05.

The application has been amended as follows:

Claims 11, 12, 16-25, 29, 38, and 39 (non-elected) have been cancelled;

Claim 1, lines 5 and 6 of the claim, following "between" in line 5 [an opposite side of] has been deleted and --a side of the substrate holder opposite to-- has been inserted.

Claim 13, line 6 of the claim, following "between" [an opposite side of] has been deleted and --a side of the substrate holder opposite to-- has been inserted.

2. The following is an examiner's statement of reasons for allowance:

Claims of record are allowable as amended by Applicant's amendment filed on 7/20/05 and further by the Examiner's amendment (see above). Objections to the drawings and 35 USC 112, first and second paragraphs rejections of the claims are no longer apply in view of the aforementioned amendments.

As to the merits, the allowability resides in the overall structure of the device as recited in independent claims 1 and 13 and, at least in part, because independent claim 1, as amended,

recites: “a cooling component positioned within an interior of the substrate holder” and “a heating component positioned within said interior of the substrate holder between a side of the substrate holder opposite to the supporting surface and the cooling component; and a contact volume positioned between the heating component and the cooling component”; and,

independent claim 13, as amended, recites:” a cooling component positioned within an interior of the substrate holder” and “a heating component positioned within said interior of the substrate holder between a side of the substrate holder opposite to the supporting surface and the cooling component; and first means for effectively reducing a thermal mass of the substrate holder”.

The aforementioned limitations in combination with all remaining limitations of claims 1 and 13, are believed to render said claims 1 and 13 and all claims dependent therefrom patentable over the art of record.

Additionally, claim 13 has bee considered in light of 35 USC 112, six paragraph, because of the recitation of the “first means for effectively reducing a thermal mass of the substrate holder”. Said “first means” have been in details described in the subsection [0032] of the specification.

None of the references cited during prosecution of the instant application, either taken alone or in combination, is believed to render the present invention unpatentable as claimed.

3. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV

A handwritten signature in black ink, appearing to read "A. Vortman".